IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MRS JUSTICE T.MEENA KUMARI**

**and**
**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT APPEAL NO : 1990 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 12/10/2004 in WP NO : 18723 OF 2004 on the file of the High Court.)

Between:

1. A.P. Eastern Power Distribution Co. Ltd, rep. by its Chairman &

Managing Director, Opp: Saraswati Park, Visakhapatnam.
2 Superintending Engineer-Operation Circle, A.P. Eastern Power

Distribution Co. Ltd, Opp: Green Park Hotel, Visakhapatnam.
3 The Divisional Electrical Engineer, A.P. Eastern Power Distribution

Co. Ltd, Operation Zone-I, Opp: Green Park Hotel, Visakhapatnam.
4 The Divisional Electrical Engineer, A.P. Eastern Power Distribution

Co. Ltd, Operation Zone-II, Kancharlapalem, Visakhapatnam.

**..... APPELLANT(S)**

AND

1 Sri D. Uma Maheswara Rao, S/o Suryanarayana,
West, A.P. Eastern Power Distribution Co. Ltd, Visakhapatnam

R/o Visakhapatnam.
2 Sri S. Ramakrishna, S/o Varahalu,
A.P. Eastern Power Distribution Co. Ltd, Visakhapatnam

R/o Visakhapatnam.
3 Sri K. Prasada Rao, S/o Viswanadham,
A.P. Eastern Power Distribution Co. Ltd, Visakhapatnam

R/o Visakhapatnam.

4 Sri K. Kanaka Raju, S/o Chitti,
A.P. Eastern Power Distribution Co. Ltd, Visakhapatnam

R/o Visakhapatnam.
5 Sri B. Laxmana Rao, S/o Late Ramapathi Rao,
A.P. Eastern Power Distribution Co. Ltd, Visakhapatnam

R/o Visakhapatnam.
6 Sri S. Narasinga Rao, S/o Satyam,
A.P. Eastern Power Distribution Co. Ltd, Visakhapatnam

R/o Visakhapatnam.
7 Sri V.V.S. Chandrasekhar, S/o V. Subba Rao,
A.P. Eastern Power Distribution Co. Ltd, Visakhapatnam

R/o Visakhapatnam.
8 Sri Ch. S.V.V. Prasada Rao, S/o Anantha Rao,
A.P. Eastern Power Distribution Co. Ltd, Visakhapatnam

R/o Visakhapatnam.
9 Sri D. Ramesh, S/o Seetharambabu,
A.P. Eastern Power Distribution Co. Ltd, Visakhapatnam

R/o Visakhapatnam.
10 Sri A.V. Rama Rao, S/o Rambabu,
A.P. Eastern Power Distribution Co. Ltd, Visakhapatnam

R/o Visakhapatnam.

**.....RESPONDENTS**

**Counsel for the Appellants:MR. M.V. SUBBA RAO**

**Counsel for the Respondent Nos.1 to 10: MR.NUTY RAM MOHAN RAO**

**The Court at the admission stage made the following Order:**

**(per TMK,J)**

The present writ appeal is filed aggrieved by the order of a learned Single Judge of this Court dated 12.10.2004 in W.P.No.18723 of 2004.

The respondents herein filed the above writ petition to declare the action of the appellants herein in rejecting their case for reinstatement into service vide Memo dated 29.09.2004 as illegal and arbitrary and to declare that the respondents are entitled to be reinstated into service on par with eleven other employees, who had been reinstated vide proceedings dated 28.07.2004 against whom criminal case as well as departmental proceedings were pending.

The learned single Judge of this Court, after hearing both the parties, held that the impugned Memo dated 29.09.2004 is not sustainable under law since the first respondent therein reinstated eleven other persons who are facing similar charges and therefore, directed to reinstate the writ petitioners also by raising the order of suspension against them. The learned Judge also made it clear that raising of the suspension order will not in any way affect the authority of the respondents therein to proceed with the departmental enquiry subject to the relevant provisions and the orders of the Court.

Learned counsel for the appellants submitted that through proceedings dated 28.07.2004 eleven other persons were reinstated into service in view of the fact that they have subjected themselves to the departmental enquiry, but the respondents herein even though they have submitted the explanations to the charge memo, since they have not subjected themselves to the departmental enquiry, they are not entitled to be reinstated into service on par with eleven other employees, who had been reinstated into service.

Under the above circumstances, without going into the merits of the case, and in view of the fact that the respondents herein have submitted the explanations to the charge Memo, it would suffice, if the appellants are directed to conduct departmental enquiry on the basis of the explanations submitted by the respondents and pass appropriate orders within a period of three months from the date of receipt of a copy of this order in accordance with the Rules.

With the above direction, the order of the learned single Judge is modified and

accordingly, the Writ Appeal is disposed of. No costs.

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T.MEENA KUMARI,J

29-12-2004

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S.ANANDA REDDY,J

Lvl/usd

To

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